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11 *Wells Fargo Bank, N.A.*

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

11 RODNEY HOLT, an individual

12 Plaintiff,

13 vs.

14 WELLS FARGO BANK, N.A.; NATIONAL  
15 DEFAULT SERVICING CORP.; and DOES  
16 individuals 1 to 100, Inclusive; and ROES  
17 Corporations 1 to 30, Inclusive; and all other  
18 persons and entities unknown claiming any  
19 right, title, estate, lien or interest in the real  
20 property described in the Complaint adverse to  
21 Plaintiff's ownership, or any cloud upon  
22 Plaintiff's title thereto,

23 Defendants.

Case No.: 2:11-cv-01984

**ORDER GRANTING DEFENDANTS  
WELLS FARGO BANK, N.A.'S  
MOTION TO DISMISS AND MOTION  
TO EXPUNGE LIS PENDENS**

24 Pending before the Court Defendants Wells Fargo Bank, N.A.'s Motion to Dismiss  
25 Plaintiff's Complaint (Docket No. 5), and Motion to Expunge Lis Pendens (Docket No. 7) the  
26 Court having reviewed the pleadings and papers on file, being fully advised in the premises,  
27 having heard the arguments of counsel, and good cause appearing therefore,  
28

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion to Dismiss  
2 and Expunge Lis Pendens is granted based on E.D.C.R. 2.20(b) and the merits and the Complaint  
3 is hereby dismissed pursuant to F.R.C.P. 12(b)(6) for failure to state a claim upon which relief  
4 can be granted.


5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Notice Of  
6 Pendency of Action or Lis Pendens' recorded by Plaintiff on September 29, 2011 bearing  
7 Instrument Number 201109290003378 in the Official Records of Clark County Nevada, relating  
8 to this action and the real property that is the subject of this action, located at 2259 Buckingham  
9 Court, Henderson, NV 89074 (hereinafter "Property") legally described as:

10 THE FOUNTAINS UNIT NO.2, PLAT BOOK 41, PAGE 49, LOT 64, BLOCK 02  
11 AND BY CERTIFICATE OF RECORD ON 8/09/2001 IN BOOK 20010809 AS INST.  
12 NO. 01389 ALL IN THE OFFICE OF THE COUNTY RECORDER FOR CLARK  
13 COUNTY, NEVADA, A.P.N. 178-07-711-012,

14 is hereby cancelled, and this cancellation shall have the effect of an expungement of it  
15 and it shall have from this day forward have no force or effect.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to NRS  
17 14.015(5), Plaintiff shall record a copy of this Order (or other appropriate notice) canceling the  
18 Notices of Pendency of Action or Lis Pendens', with the Clark County Recorder's Office within  
19 five business days of its entry, and if there is a failure to do so, any party may record a copy of  
20 this Order.

21 DATED this 12<sup>th</sup> day of January, 2012.



22 UNITED STATES DISTRICT COURT JUDGE

23 SUBMITTED BY:

24 WRIGHT, FINLAY & ZAK, LLP

25 Donna M. Osborn, Esq.

26 Nevada Bar No. 006527

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28 Las Vegas, NV 89148

*Attorneys for Defendants, Wells Fargo Bank, N.A.*